

Mr. Jim Anderson,
38 Wellesley Circle
Glen Echo, Md. 20812

11/5/86

Dear Mr. Anderson,

You were interested in a synopsis of the case I mentioned and, I just noticed, if I did not mention them earlier, the Bay of Pigs and the U-2. I once planned a book on the Cuba missile crisis and did some research for it that I'm fairly confident I could not now find. If my recollection is correct, you'll find that Cuba knew all about what was coming and denounced it at the UN, whose proceedings were public. On the Powers U-2 flight, Allen Dulles gave secret testimony to the Senate Foreign Affairs Committee. Several years ago most of it was published. I found Dulles' claim that an alleged weather flight was more important than risking wrecking the Paris summit extraordinary. If you want that volume and can't get it I can probably find mine.

With some difficulties because I am not a lawyer and my wife and I are both limited in what we can do, I've completed the appeals court brief I must file by the 15th. My wife has a few pages of it to correct and then she'll xerox it. We have the appendix xeroxed. So, it will not be long before we send it in. If your legal correspondent has any interest in this and what I'll enclose, please consider it embargoed until after filing.

As I told you, I'd spent what for us is considerable cost and energy to keep the press informed, 2-3 dozen reporters none of whom found any newsworthiness in undenied official felonies nor in the persecution of an "enemy" aspect, so, despite the increase in Social Security (I'm now rich for a federal judgement, with \$368 a month coming in), I'm not making and sending any press copies. If anyone wants the brief, which is just under 70 pages, I'll provide copies.

The last two things I did are called Issues Presented and Summary of Argument. While these fall far short of the content of the entire brief, I think it may be enough to give your legal correspondent a notion of what I allege. It falls short of my exposure of Judge John Lewis Smith's dishonesty, including deliberate lying, in the Memorandum accompanying his last Order.

I begin the brief not as a lawyer but as a writer, frankly, in the hope of getting attention to the deliberateness of the government's felonies with the illustration of the actualities of what the FBI did and did not do⁹ quoted from a long-suppressed damage-control tickler outline. If there were not the widespread media reluctance to touch fact about the political assassination and the desire to support the official mythology I'd think, from the standards of my own reporting day, that it has news content. It is important in this litigation because the FBI's FOIA supervisor, a special agent and a lawyer, who disclosed those records to a friend under the compulsion of another judge, swore not only to their non-existence in my case, bad as that is. The judgement from which I seek relief comes from my alleged refusal to provide "discovery" because this "discovery" would prove that the FBI had complied or, in the event it did not, my unique subject-matter knowledge was required to locate that information. One of their pleadings says that I "solely" have that knowledge. So, as I knew from other things, when they swore falsely they knew they were, it was deliberate. (I've provided them with two full file cabinets of info. and documents in the JFK and King assassination and in this case, without dispute, attested that at least two file drawers of it provided what was demanded again under the name of "discovery" so I had complied in any event.) In short, and I suspect this scares everyone, I've an airtight case of deliberate official felonies before a federal court for many reasons, I believe ranging from "getting" me (two SAs used the word

in the JFK assassination

"stop" in records they thought would forever be secret), to negating the Act to procuring case law restrict information to punishing lawyers who handle cases they do not like (a precedent of this nature was overturned in this case) - all the many reasons those who have been immune for serious offenses in the past and think they always will be can conceive.

They get a judge like Smith, who almost without exception uses a rubber stamp on what they want, and they can and do rewrite the Act. They hate me more because I persisted when they'd gotten away with false swearing and misrepresenting in the past and Congress amended FOIA's investigatory files exemption over it, specific in the Senate debates. (In my day anyone who made the ~~sys~~ system work would have been a story but there was none then, andy Jackson on "one determined man" or not.)

In this case, for example, they, as usual, just made up what they thought was expedient and Smith cribbed it, faithful to their factual errors which exist nowhere else. Even their misrepresentations of the law and incredibly, to me, because he knew I'd go up on appeal, even their argument that under the new-evidence rule I invoked, 60(b), there is an "ironclad" time-limit of two years from the time judgement is issued. In fact, as he and they have to know, it has three clauses specifically designed and intended to toll the one-year limit.

This wretch, as you'll see, stated that he reviewed the case record repeatedly and he doesn't know who is being sued for what. He said he held an "extended" hearing when he refused two of them when I asked them, the second a trial. And to gild his own lily, his own Order says that what he held was "oral arguments." And even then the scum refused to let me read what I'd prepared not to forget, not to ramble, and because I'd not be able to handle any notes at the podium from a wheelchair. They get a Smith for a judge and they pull the stops, and sadly, he is not alone, only the worst of the bad ones I've faced.

I didn't intend to ramble like this. I'm writing a few letters while my wife slaves away at the (for her, just out of a wheelchair) the mechanical things I can't do because I can't stand still. After she completes the xeroxing I'll copy the few pages I refer to and enclose them. I can stand briefly near the machine and keep the bad leg horizontal and that isn't too bad for me.

Good luck with your book. A long life suggests it can be important.

Sincerely,



Harold Weisberg